

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,**

Defendants,

-and-

**DEEPROOT TECH LLC, DEEPROOT
PINBALL LLC, DEEPROOT STUDIOS LLC,
DEEPROOT SPORTS & ENTERTAINMENT
LLC, DEEPROOT RE 12621 SILICON DR LLC,
AND ROBERT J. MUELLER, JEFFREY L.
MUELLER, AND BELINDA G. BREEN, AS CO-
TRUSTEES OF THE MB HALE OHANA
REVOCABLE TRUST,**

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

**DECLARATION OF DAVID A. NASSE IN SUPPORT OF PLAINTIFF'S
APPLICATION FOR CLERK'S ENTRY OF DEFAULT AGAINST
RELIEF DEFENDANTS DEEPROOT SPORTS & ENTERTAINMENT LLC
AND DEEPROOT RE 12621 SILICON DR LLC**

1. I, David A. Nasse, do hereby declare under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the following is true and correct, that this declaration is made based on my personal knowledge, and that I am competent to testify as to the matters stated herein.

2. I am the attorney of record for the Plaintiff Securities and Exchange Commission ("Commission") in the above-captioned civil action, and I submit this declaration in support of the Commission's Application for Clerk to Enter Default Against Relief Defendants deeproot

2. The Commission filed its Complaint in this case on August 20, 2021, seeking, among other things, disgorgement from the Defaulting Defendants of funds or other property, which are the proceeds of, in furtherance of, or are traceable to the proceeds of, violations of the anti-fraud provisions of the federal securities laws by primary Defendants Robert J. Mueller, Deeproot Funds LLC, and Policy Services Inc. (ECF No. 1).

3. Also on August 20, 2021, the Commission provided the Defaulting Defendants with a copy of the Complaint and requested that the Defaulting Defendants waive service of the Complaint pursuant to Fed. R. Civ. P. 4(d). The Defaulting Defendants waived service of a summons and the Complaint on September 29, 2021 (ECF Nos. 12 & 13) making their answers and responsive pleadings due on or before October 19, 2021.

4. On October 13, 2021, the Court granted Defendant Robert Mueller's Unopposed Motion to Extend the Deadline for All Defendants to File an Answer or Other Responsive Pleading to November 19, 2021 (ECF No. 17).

5. On November 15, 2021, the Court granted Defendant Robert Mueller's Second Unopposed Motion to Extend the Deadline for All Defendants to File an Answer or Other Responsive Pleading to December 20, 2021 (ECF No. 24).

6. On December 17, 2021, the Court granted Defendant Robert Mueller's Third Unopposed Motion to Extend the Deadline for All Defendants to File an Answer or Other Responsive Pleading to January 24, 2022 (ECF No. 31).

7. On January 20, 2022, the Court granted Defendant Robert Mueller's Unopposed Motion to Extend the Deadline for All Defendants to File an Answer or Other Responsive

8. To date, the Defaulting Defendants have not filed an answer to the Complaint or other responsive pleading.

9. The Defaulting Defendants have not sought any further extensions of time in which to respond to or defend against the Complaint in this civil action.

10. The Defaulting Defendants are not infants, in the military, or incompetent persons, and are not eligible for relief under the Service Members Civil Relief Act of 2003, 50 U.S.C. Appendix § 501 *et seq.*

I declare under penalty of perjury that the foregoing is true and correct.

Date: May 2, 2022


David Nasse
Trial Counsel

U.S. SECURITIES AND EXCHANGE COMMISSION